Legislatures sometimes adopt laws that create a special legal regime for a particular case rather than general rules for an indefinite number of situations or persons. These ad hoc laws are controversial. Politically, legislatures may be forced to act in one specific case (for example as a respond to a public outcry), but in doing so they risk violating the principles of the rule of law. Such legislative practice might lead to abuse of legislative power, inequality of citizens before the law, legal uncertainty, and weakening of the position of the courts. The purpose of this first in-depth comparative study in the fields of constitutional law and legislative studies is to clarify the use and existence of ad hoc laws and to place them within a constitutional framework of the rule of law. It is a comparative study of the United States, Germany and the Netherlands.

Those who will benefit from this book are constitutional law/legislation/human rights academics, constitutional law practitioners, judges from constitutional courts, legislative lawyers and legislators. This book provides innovative and profound insights from a comparative perspective and is a valuable addition to library collections.
Constitutional Constraints on Ad Hoc Legislation

Contents

PART I. INTRODUCTION

PART II. THE UNITED STATES
Chapter 1. Ad hoc legislation: Cases
Chapter 2. The requirement of generality
Chapter 3. Ad hoc legislation and the U.S. constitutional principle of the separation of powers
Chapter 4. Equal protection
Chapter 5. The Due Process Clause
Chapter 6. Ad hoc legislation and deliberative democracy

PART III. GERMANY
Chapter 1. Ad hoc legislation: Cases
Chapter 2. The requirement of generality
Chapter 3. Equal treatment
Chapter 4. Legal certainty (Rechtssicherheit) and the protection of legitimate expectations (Vertrauensschutz)
Chapter 5. Proportionality
Chapter 6. Ad hoc legislation and the German constitutional principle of the separation of powers

PART IV. THE NETHERLANDS
Chapter 1. Ad hoc legislation: Cases
Chapter 2. The requirement of generality
Chapter 3. Equal treatment
Chapter 4. Legal certainty
Chapter 5. Ad hoc legislation, the Dutch constitutional principle of the separation of powers, and the right to a fair trial

PART V. COMPARISON AND ANALYSIS
Chapter 1. Constitutional limitations in general
Chapter 2. Constitutional limitations and typology of ad hoc legislation

CONCLUSIONS

Visit our website www.intersentia.com for the complete table of contents.